

Christina Henry  
Henry & DeGraaff, P.S.  
787 Maynard Ave S.  
Seattle, WA 98104  
(206) 330-0595  
[chenry@hdm-legal.com](mailto:chenry@hdm-legal.com)

The Honorable Brian D. Lynch  
CHAPTER 13  
TACOMA  
Hearing: July 17, 2019  
Time: 1:30 pm

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

In re:

Case No. 19-41599-BDL

Miguel Rodriguez and Dominique Walker,  
Debtors

## **RESPONSE TO OBJECTION TO CONFIRMATION OF CHAPTER 13 TRUSTEE**

Miguel Rodriguez and Dominique Walker (“Debtors”), by and through their attorney Christina Henry of Henry & DeGraaff, P.S., hereby respond to the Objection to Confirmation of the Chapter 13 Trustee as follows:

1. The Debtors disagree that the current plan will pay \$0.00 to unsecured creditors. The filed plan calls for payments of \$722 a month over 36 months which will pay \$25,922.00 into the plan. Since the Debtor has no secured creditors, the only obligation to pay in the plan is for attorney's fees in the remaining amount of

**RESPONSE TO OBJECTION TO CONFIRMATION OF CHAPTER 13  
TRUSTEE - 1**

**HENRY & DEGRAAFF, P.S.**  
787 MAYNARD AVE S.  
SEATTLE, WA 98104  
V (206) 330-0595  
F (206) 400-7609

1 \$4,000.00, leaving the rest to pay unsecured creditors, including the liquidation value  
2 listed in the plan of \$7,944.64.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

2. As to the additional request from the trustee to add the \$300 a month the Debtors pay to support his relatives in El Salvador, they agree to amend their SOFA to disclose the payments and will either provide a declaration to explain dependent nature of those familial payments to their family members or they will add the amount of \$7,200 to their liquidation value of the plan as suggested by the trustee.
3. The Debtors agree to amend their Schedule C to schedule an exemption amount for their disclosed small claims asset assuming that there are available funds that do not surpass the statutory limit. If the limit is surpassed, the Debtors will remove the exemption and adjust the liquidation value accordingly.
4. The Debtors agree to contribute tax refunds in excess of \$2500 into an amended chapter 13 plan.
5. The Debtors were not aware of the Trustee's request for evidence to support their home maintenance request or monthly entertainment expense and they would be happy to provide this information via declaration from the debtors in support of an amended plan. However, for purposes of this response, the Debtors note that they live in a dilapidated home with a fair market valuation of at most \$85,000. The house needs serious repairs to remain livable, including the need for a new roof and significant foundation issues in addition to other necessary repairs. Additionally, the debtors have spent significant amounts on home repairs in the recent months prior to filing to support the regular maintenance amounts. Lastly, the debtors have three children and

an amount of \$450 a month for entertainment does not seem excessive, but as part of an amended plan the debtors will re-review their budget and provide a declaration and other documentation if needed to support the numbers.

6. As for the liquidation analysis, the Debtors will again provide this as part of a declaration in support of an amended plan.

In conclusion, the Debtors agree to a denial of discharge, because they agree that even if they are able to meet the concerns of the Chapter 13 Trustee on many of these issues, there is a need to amend the plan to add the future tax refunds to the plan, to obtain the signatures from the debtors to amended schedules and on declarations to support the budget filed in this case. Since the Debtors are Aberdeen and we are not able to meet in person to make all of these schedule and plan changes, the Debtors request they be given two weeks to file a feasible amended plan.

Respectfully Submitted this 12<sup>th</sup> day of July, 2019.

## HENRY & DEGRAAFF, P.S.

/s/ Christina Henry  
Christina Henry, WSBA #31273  
Attorney for Debtors  
chenry@hdm-legal.com

**RESPONSE TO OBJECTION TO CONFIRMATION OF CHAPTER 13  
TRUSTEE - 3**

**HENRY & DEGRAFF, P.S.**  
787 MAYNARD AVE S.  
SEATTLE, WA 98104  
V (206) 330-0595  
F (206) 400-7609